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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/538,158	<b>Applicant(s)</b> KETZER, ANDREA
	<b>Examiner</b> CHENECA SMITH	<b>Art Unit</b> 2192

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 26 July 2010.  
 2a) This action is FINAL.      2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-25, 28 and 29 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-25, 28 and 29 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 08 June 2005 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/06)  
 Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_  
 5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_

## DETAILED ACTION

### *Remarks*

1. Applicant's amendment and response dated July 26, 2010 has been provided in response to the April 30, 2010 Office Action which rejected claims 1-29, wherein claims 1-25 have been amended, claims 26 and 27 have been cancelled and new claims 28 and 29 have been added. Thus, claims 1-25, 28 and 29 remain pending in this application and have been fully considered by the examiner
2. Applicant's arguments have been fully considered but they are not persuasive. Accordingly, **THIS ACTION IS MADE FINAL**. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

### *Specification*

1. The objection to the specification in the previous Office Action has been reconsidered and withdrawn.

***Claim Objections***

2. The objection to claim 4 in the previous Office action has been reconsidered and withdrawn.

***Claim Rejections - 35 USC § 101***

3. The rejection of claims 1-17 and 23 from the previous Office Action has been reconsidered and withdrawn.

***Response to Arguments***

4. Applicant's arguments filed July 26, 2010 have been fully considered but they are not persuasive.

In response to applicant's arguments regarding claim 1 and similar claims 15, 16, 24 and 25 that "*the web descriptor file of Gibbons does not comprise, for example, a data element which actually identifies an application; nor does Gibbons disclose "a second attribute having a value identifying the application resource"*", as recited in applicant's independent claims 15 and 16, or a "*second data element identifying an application resource*" (see page 12 last paragraph), Examiner respectfully disagrees.

Gibbons discloses a web descriptor file (see Figure 11 and associated text, e.g. Table 4) that comprises application keywords describing an application (see col.16 lines 56-57 and col.21 lines 21-58). Furthermore, Gibbons discloses a content descriptor file (see Fig. 7 and associated text, e.g. Table 2) which can include information that describes the format and encoding of the file, type and identification of the application, icon to be displayed for the application, and other relevant information (see col.17 lines

53-56 and col.18 lines 5-32), wherein any of the files of his invention can be combined and/or separated into other files without departing from the spirit or scope of the invention (see col.24 lines 38-41). Therefore, Gibbons teaches the limitations of claims 1 and similar claims 15, 16, 24 and 25, as claimed.

In response to Applicant's arguments regarding claim 1 and similar claims 15, 16, 24 and 25 that "*it is important to note that these are merely display labels and do not actually enable an application to be specifically identified, e.g. via its specific file name and location*" (see page 13 2nd paragraph) and that "*The web descriptor file of Gibbons is merely to enable categorization of an application by a content provider; it is not for instance enhancing the process of downloading an application dependent upon the language/country of a downloading device*" (see page 14, 1<sup>st</sup> paragraph), Applicants should note for further clarification that the web descriptor file is to be used primarily in a catalog matching system of Gibbons invention, which allows application developers to specify preferred locations for content organization and also allows content providers to automatically organize submitted applications into convenient categories at the time of submission (see col.20 46-50) . Thus, the catalog matching system implicitly works in conjunction with capability matching system of Gibbons invention (facilitated primarily through the content descriptor file, as discussed above) and the other files/systems, as disclosed by Gibbons, whose main purpose is to ultimately provide a way to properly identify/match devices only to applications that they are compatible with, which would assure users that an application matched with their device will function properly when it

is run on the device; likewise, users of incompatible devices can avoid downloading applications that may not work properly (see col.17 lines 13-18).

***Claim Rejections - 35 USC § 102***

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-25, 28 and 29 are rejected under 35 U.S.C. 102(e) as being anticipated by Gibbons et al (US Patent 7,275,243 B2).

As to claim 1, Gibbons teaches a non-transitory computer readable medium (see col.24 lines 44-48) embodying an application descriptor (*i.e. content descriptor file/web descriptor file*, (see Figs.7 and 12 and associated text, e.g. col.24 lines 38-41) describing an application available for download (see col.16 lines 48-51, lines 56-57 and lines 63-66) and comprising: a first data element (*i.e. content-url/category tag*) having a first data portion (see col.18 Table 2 line 13 and col.21 Table 4 line 43), a second data element (*i.e. resource id/web descriptor tag*) identifying the application (see col.18 Table 2 line 12 and col.21 Table 4 line 42) and a plurality of third data elements (*i.e. target, carrier, capability id /display-name, short-desc, long-desc*, see col.18 Table 2 and col.21 Table 4), each of which has an individual locale identifier portion (*i.e. locale/locale*, see col.18 Table 2 line 20 and col.21Table 4 line 47) and a second data portion related to its individual locale identifier portion (see col.18 lines 29-32, col.21 lines 59-64 and col.22 lines 1-5).

As to claim 2, Gibbons teaches a non-transitory computer readable medium embodying an application descriptor as claimed in claim 1, wherein an individual locale identifier portion identifies a country and/or a language (see Fig.11 and associated text, e.g. col.21 Table 4 lines 45-46 and col.22 lines 8-10).

As to claim 3, Gibbons teaches a non-transitory computer readable medium embodying an application descriptor as claimed in claim 1, wherein the individual locale identifier portion comprises or identifies at least a language code (see Fig.11 and associated text, e.g. col.21 Table 4 lines 45-46 and col.22 lines 8-10).

As to claim 4, Gibbons teaches a non-transitory computer readable medium embodying an application descriptor as claimed in claim 1, wherein the individual locale identifier portion comprises or identifies a county code (see Fig.11 and associated text, e.g. col.21 Table 4 lines 45-46 and col.22 lines 8-10).

As to claim 5, Gibbons teaches a non-transitory computer readable medium embodying an application descriptor as claimed in claim 1, wherein the individual locale identifier portion comprises a first two-letter code in lower case separated from a second two-letter code in upper case (see Fig.11 and associated text, e.g. col.21 Table 4 lines 45-46 and col.22 lines 8-10).

As to claim 6, Gibbons teaches a non-transitory computer readable medium embodying an application descriptor as claimed in claim 5, wherein the first two-letter code is a language code in accordance with ISO-639 and the second two-letter code is a country code in accordance with ISO-3186 (see Fig.11 and associated text, e.g. col.21 Table 4 lines 45-46 and col.22 lines 8-10).

As to claim 7, Gibbons teaches a non-transitory computer readable medium embodying an application descriptor as claimed in claim 1, wherein each of the second data portions of the third data elements are a replacement for the first data portion (see Fig.11 and associated text).

As to claim 8, Gibbons teaches a non-transitory computer readable medium embodying an application descriptor as claimed in claim 1, wherein the first data portion defines a name (*i.e. display-name*, see Table 4) and, for each of the third data elements, the second data portion defines a translation of the name into a language specified by the individual locale identifier portion of the third data element (see col.21 lines 59-60 and col.22 lines 1-2 and 8-10).

As to claim 9, Gibbons teaches a non-transitory computer readable medium embodying an application descriptor as claimed in claim 1, wherein the application descriptor is a Java application descriptor (see Fig.7 and associated text), the first data element comprises the value of the MIDlet-Name attribute of the Java Application Descriptor (*i.e. resource-id*, see Table 2 lines 12), the second data element comprises the value of the MIDlet-Jar-URL attribute of the Java Application Descriptor (*i.e. content-URL*, see Table 2 line 13) and, for each of the third data elements, the second data portion defines a translation of the name defined by the value of the MIDlet-Name attribute into a language specified by the individual locale identifier portion (*i.e. locale*, see Table 2) of the third data element (see col.18 lines 29-32).

As to claim 10, Gibbons teaches an application descriptor as claimed in claim 6, wherein the application descriptor further comprises: a fourth data element having a

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third data portion and a plurality of fifth data elements, each of which has an individual locale identifier portion (*i.e. locale*, see Table 4) and a third data portion related to its individual identifier portion (see col.21 lines 59-64 and col.22 lines 1-5).

As to claim 11, Gibbons teaches a non-transitory computer readable medium embodying an application descriptor as claimed in claim 10, wherein the fourth data element is the value of the attribute for the name of a MIDlet (*i.e. resource-id*, see Table 2 lines 12) and, for each of the fifth data elements, the third data portion defines a translation of the name of the MIDlet into a language specified by the individual locale identifier portion (*i.e. locale*, see Table 2) of the third data element (see col.18 lines 29-32).

As to claim 12, Gibbons teaches a non-transitory computer readable medium embodying an application descriptor as claimed in claim 1, wherein the application descriptor is a Java application descriptor (see col.18 lines 35-37), the first data element comprises the value of the attribute for the name of a MIDlet (see col.18 lines 35-37), the second data element comprises the value of the MIDlet-Jar-URL attribute of the Java Application Descriptor (see col.18 lines 37-39) and, for each of the third data elements, the second data portion defines a translation of the name of the MIDlet into a language specified by the individual identifier portion (*i.e. locale*, see Table 2) of the third data element (see col.21 lines 59-64 and col.22 lines 1-5).

As to claim 13, Gibbons teaches a non-transitory computer readable medium embodying an application descriptor as claimed in claim 1 wherein the first data portion

defines an icon and the second data portion of the third data element defines a replacement icon (see col.22 lines 5-8).

As to claim 14, Gibbons teaches a non-transitory computer readable medium embodying an application descriptor as claimed in claim 1 wherein the first data portion defines a start routine and the second data portion of the third data element defines a replacement start routine (see vol.18 lines 37-39).

As to claim 15, Gibbons teaches a non-transitory computer readable medium (see col.24 lines 44-48) embodying an application descriptor (*i.e. content descriptor file/web descriptor file*, see Figs.7 and 11 and associated text, e.g. col.24 lines 38-41) describing an application resource available for download (see col.16 lines 48-51, lines 56-57 and lines 63-66) and comprising: a first attribute (*i.e. category tag*) having a first value (see col.21 Table 4 line 43), a second attribute (*i.e. web descriptor tag*) having a value identifying the application resource (see col.21 Table 4 line 42), a plurality of third attributes (*i.e. display-name, short-desc, long-desc* see col.21 Table 4), each of which has an individual locale identifier portion (*i.e. locale/locale*, see col.18 Table 2 line 20 and col.21Table 4 line 47) and a second value related to its respective locale identifier portion (see col.18 lines 29-32, col.21 lines 59-64 and col.22 lines 1-5).

As to claim 16, Gibbons teaches a non-transitory computer readable medium (see col.24 lines 44-48) embodying an application descriptor (*i.e.content descriptor file/web descriptor file*, see Figs.7 and 11 and associated text, e.g. col. 24 lines 38-41) describing an application resource available for download (see col.16 lines 48-51, lines 56-57 and lines 63-66) and comprising: a first attribute having a first value defining a

first name (*i.e. resource id/display-name*, see Table 2 and Table 4) a second attribute having a value identifying the application resource (*i.e. content-url/web-descriptor*, see Table 2 and Table 4) and a plurality of third attributes (*i.e. target/ carrier/capability id/ display-name, short-desc, long-desc*, see col.18 Table 2 and col.21 Table 4), each of which has an individual locale identifier portion (*i.e. locale/locale*, see col.18 Table 2 line 20 and col.21Table 4 line 47) and has a second value defining a translation of the first name into a language identified by its individual locale identifier portion (see col.21 lines 59-64 and col.22 lines 1-5).

As to claim 17, Gibbons teaches a non-transitory computer readable medium (see col.24 lines 44-48) embodying a data structure (see Fig.5 and associated text) for transmission and reception by a wireless transceiver comprising an application descriptor as claimed in claim 1 (see col.16 lines 46-54).

As to claim 18, Gibbons teaches a device (see Fig.4, 415 and associated text, e.g. col.16 lines 38-42) arranged to receive and process a data structure as claimed in claim 17, comprising a transceiver for receiving the data structure (see col.11 lines 20-23), means for determining an identifier associated with the phone or the phone user (see col.20 lines 14-23) and means for selecting the second data portion of a third data element having an individual identifier portion corresponding to the determined identifier associated with the phone or it's user (see col.20 lines 25-32).

As to claim 19, Gibbons teaches a device as claimed in claim 18 wherein the means for determining an identifier includes means for invoking the getproperty( ) method (see col.20 lines 14-15).

As to claim 20, Gibbons teaches a device as claimed in claim 18, wherein the identifier comprises at least one country code (see col.19 Table 3 line 10).

As to claim 21, Gibbons teaches a device as claimed in claim 18, wherein the identifier is dependent upon the language setting of the device (see col.19 Table 3 line 14).

As to claim 22, Gibbons teaches a device as claimed in claim 18, arranged to receive the data structure using the Wireless Application Protocol (see col.10 lines 63-67-col.11 line 1).

As to claim 23, Gibbons teaches a memory device (see Fig.1 and associated text) storing an application descriptor as claimed in claim 1 (see col.11 lines 22-23).

As to claim 24, Gibbons teaches a device (see Fig.4, 415 and associated text, e.g. col.16 lines 38-42) configured to process an application descriptor (*i.e. content descriptor file/web descriptor file* (see Figs.7 and 12 and associated text, e.g. col.24 lines 38-41) describing an application available for download (see col.16 lines 48-51, lines 56-57 and lines 63-66) and comprising: a first data element (*i.e. content-url/category tag*) having a first data portion (see col.18 Table 2 line 13 and col.21 Table 4 line 43), a second data element (*i.e. resource id/web descriptor tag*) identifying the application (see col.18 Table 2 line 12 and col.21 Table 4 line 42) and a plurality of third data elements (*i.e. target, carrier, capability id /display-name, short-desc, long-desc*, see col.18 Table 2 and col.21 Table 4), each of which has an individual locale identifier portion (*i.e. locale/locale*, see col.18 Table 2 line 20 and col.21Table 4 line 47) and a second data portion related to its individual locale identifier portion (see col.18 lines 29-

32, col.21 lines 59-64 and col.22 lines 1-5), the device comprising means for determining a locale identifier associated with the device or the device user (see Table 3- country code and language code and col.20 lines 14-25) and means for selecting the second data portion of a third data element having an individual locale identifier portion corresponding to the determined locale identifier associated with the phone or it's user (see col.17 lines 6-13 and col.18 lines 60-67).

As to claim 25, Gibbons teaches a computer (see Fig.1, 105 and associated text, e.g. col.6 lines 57-61) configured to store application descriptor (*i.e. content descriptor file/web descriptor file*, (see Figs.7 and 12 and associated text, e.g. col.24 lines 38-41) describing an application available for download (see col.16 lines 48-51, lines 56-57 and lines 63-66) and comprising: a first data element (*i.e. content-url/category tag*) having a first data portion (see col.18 Table 2 line 13 and col.21 Table 4 line 43), a second data element (*i.e. resource id/web descriptor tag*) identifying the application (see col.18 Table 2 line 12 and col.21 Table 4 line 42) and a plurality of third data elements (*i.e. target, carrier, capability id /display-name, short-desc, long-desc*, see col.18 Table 2 and col.21 Table 4), each of which has an individual locale identifier portion (*i.e. locale/locale*, see col.18 Table 2 line 20 and col.21Table 4 line 47) and a second data portion related to its individual locale identifier portion (see col.18 lines 29-32, col.21 lines 59-64 and col.22 lines 1-5), configured to transmit, receive or process a data structure as claimed in claim 17 (see col.11 lines 20-23 and col.20 lines 25-32).

As to claim 28, Gibbons teaches a method comprising:

receiving, at a device (see Fig.4, 415 and associated text, e.g. col.16 lines 38-42), an application descriptor (*i.e. content descriptor file/web descriptor file*, (see Figs.7 and 12 and associated text, e.g. col.24 lines 38-41) describing an application (see col.16 lines 48-51, lines 56-57 and lines 63-66) wherein the application descriptor comprises: a first data element (*i.e. content-url/category tag*) having a first data portion (see col.18 Table 2 line 13 and col.21 Table 4 line 43), a second data element (*i.e. resource id/web descriptor tag*) identifying the application (see col.18 Table 2 line 12 and col.21 Table 4 line 42) and a plurality of third data elements (*i.e. target, carrier, capability id/display-name, short-desc, long-desc*, see col.18 Table 2 and col.21 Table 4), each of which has an individual locale identifier portion (*i.e. locale/locale*, see col.18 Table 2 line 20 and col.21Table 4 line 47) and a second data portion related to its individual locale identifier portion (see col.18 lines 29-32, col.21 lines 59-64 and col.22 lines 1-5), determining an identifier associated with the device or the device user (see col.20 lines 14-23), determining which data element of the plurality of third data elements comprises an individual locale identifier portion corresponding to the determined identifier and selecting a data portion of the determined data element (see col.17 lines 6-13 and col.18 lines 60-67).

As to claim 29, Gibbons teaches an apparatus comprising:  
at least one memory storing computer program instructions (Fig.1 and associated text),  
at least one processor configured to execute the computer program instructions (see Fig.1 and associated text) to cause the apparatus at least to perform: receiving, at a device (see Fig.4, 415 and associated text, e.g. col.16 lines 38-42) an application

descriptor (*i.e. content descriptor file/web descriptor file*, (see Figs.7 and 12 and associated text, e.g. col.24 lines 38-41) describing an application (see col.16 lines 48-51, lines 56-57 and lines 63-66) wherein the application descriptor comprises: a first data element (*i.e. content-url/category tag*) having a first data portion (see col.18 Table 2 line 13 and col.21 Table 4 line 43), a second data element (*i.e. resource id/web descriptor tag*) identifying the application (see col.18 Table 2 line 12 and col.21 Table 4 line 42) and a plurality of third data elements (*i.e. target, carrier, capability id /display-name, short-desc, long-desc*, see col.18 Table 2 and col.21 Table 4), each of which has an individual locale identifier portion (*i.e. locale/locale*, see col.18 Table 2 line 20 and col.21 Table 4 line 47) and a second data portion related to its individual locale identifier portion (see col.18 lines 29-32, col.21 lines 59-64 and col.22 lines 1-5), determining an identifier associated with the device or the device user (see col.20 lines 14-23), determining which data element of the plurality of third data elements comprises an individual locale identifier portion corresponding to the determined identifier and selecting a data portion of the determined data element (see col.17 lines 6-13 and col.18 lines 60-67).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHENECA SMITH whose telephone number is (571)270-1651. The examiner can normally be reached on Monday-Friday 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Dam can be reached on (571)272-3695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/CHENECA SMITH/  
Examiner, Art Unit 2192  
10/5/2010

/Tuan Q. Dam/  
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